



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 16

COPY MAILED

JUL 23 2003

OFFICE OF PETITIONS

ON PETITION

Sean M. Fitzgerald, Esq.
1717 Parrott Drive
San Mateo, CA 94402

In re Application of
William Paul Wanker
Application No. 09/290,006
Filed: April 11, 1999
Attorney Docket No. 001

This is a decision on the petition under 37 CFR 1.137(a), filed April 2, 2003, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed April 24, 2002, which set a three (3) month statutory period for reply. No response was believed to have been received within the allowable period and the application became abandoned on July 24, 2002. A Notice of Abandonment was mailed January 27, 2003.

The instant petition was accompanied by a copy of the response to the non-final Office action showing a certificate of mailing under 37 CFR 1.8 dated September 11, 2002, albeit unsigned. A review of Office computer records reveals that a check in the amount of \$200.00 was received on September 16, 2002, in order to obtain an extension of time within the second month to make the response filed September 11, 2002, timely. The evidence is convincing that the reply to non-final Office action was mailed on, or about September 11, 2002, and received by the Office, but subsequently misplaced.

The Change of Correspondence Address filed July 9, 2003, is noted and made of record.

The file is now being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions